

## **Listing of Claims**

1-6 (Canceled)

7. (Previously Presented) The surgical device recited in Claim 28 wherein the bifurcated portions of the needle assembly have an outer surface in the shape of a cylinder.

8-27 (Canceled)

28. (Currently Amended) A surgical device extending along an axis and having a proximal end and a distal end, the device being operable to move a suture through body tissue, comprising:

an elongate shaft having a hollow configuration;

a handle assembly coupled to the shaft;

an actuating rod having a proximal end and a distal end, the actuating rod being disposed to extend between the handle assembly and the shaft;

a needle assembly disposed at the distal end of the actuating rod and movable back and forth with the actuating rod between an extended state relative to the elongate shaft and a retracted state relative to the elongate shaft, the needle assembly being biased to the retracted state;

bifurcated portions of the needle assembly defining a suture slot with a proximal end and a distal end, the bifurcated portions including a backing arm and a gathering arm that are integral with one another at the proximal end of the suture slot, the backing arm and gathering arm having a proximate but spaced relationship when the needle assembly is in the retracted state and having a separated and further spaced

relationship when the needle assembly is in the extended state, the backing arm and gathering arm being biased to the separated relationship;

a sharp needle tip formed at a distal end of the backing arm;

a small portion extending proximally from the sharp needle tip to form a hook around an opening at a distal end of the suture slot to retain the suture, a portion of the opening remaining distally of the elongate shaft when the needle assembly is in the retracted state;

a distal end of the gathering arm aligning with the proximally extending portion at a position that is closer to the distal end of the suture slot than the proximal end of the suture slot, and

bends in the gathering arm causing the distal end of the gathering arm to extend away from the backing arm to define a wide passage into the suture slot when the needle assembly is in the extended state and the backing arm and gathering arm have the separated relationship, causing the distal end of the gathering arm to extend toward and contact the backing arm while still maintaining a passage for the suture proximal of where the distal end of the gathering arm contacts the backing arm in order to gather the suture with the passage when the needle assembly is in a partially retracted position, and causing the distal end of the gathering arm to substantially align with the small portion extending from the sharp needle tip when the needle assembly is in the retracted state.